

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE**

<b>PATRICIA MACK,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 2:16-cv-02671</b>
	)	
<b>COMENITY BANK,</b>	)	<b>Judge John T. Fowlkes, Jr.</b>
	)	<b>Chief Magistrate Judge Diane K. Vescovo</b>
<b>Defendant.</b>	)	

**JOINT MOTION FOR ENTRY OF AGREED ORDER  
DISMISSING CASE IN FAVOR OF ARBITRATION**

Plaintiff Patricia Mack (“Mack” or “Plaintiff”) and Defendant Comenity Bank (“Comenity”), jointly stipulate, agree, and move the Court for entry of an order dismissing Plaintiff’s Complaint, without prejudice, to allow Plaintiff to re-file the claims in arbitration. Each party will bear their own attorney’s fees, costs, and expenses of this action. This Joint Motion concludes this matter in its entirety, and the parties request the Court enter an order dismissing this matter without prejudice.

Agreed to by the parties this 30th day of September, 2016:

/s/ Mark Lambert (with permission)  
Mark Lambert, Esq. (TN Bar No. 22509)  
Morgan & Morgan  
1 Commerce Square, 26<sup>th</sup> Floor  
Memphis, TN 38103  
Phone: (901) 217-7000  
Fax: (901) 333-1897  
[mlambert@forthepeople.com](mailto:mlambert@forthepeople.com)

*Attorney for Plaintiff Michael Fuller*

/s/ Zachary Miller  
Zachary Miller (TN Bar No. 032674)  
BURR & FORMAN LLP  
511 Union Street, Suite 2300  
Nashville, TN 37219  
Telephone: (615) 724-3216  
Facsimile: (615) 724-3316  
Email: [zmiller@burr.com](mailto:zmiller@burr.com)

*Attorney for Defendant Comenity Bank*

**SO ORDERED:**

\_\_\_\_\_  
District Judge John T. Fowlkes, Jr.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of September, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will then send a notification of such filing (NEF) to the following:

Mark Lambert, Esq.  
Morgan & Morgan  
1 Commerce Square, 26<sup>th</sup> Floor  
Memphis, TN 38103  
[mlambert@forthepeople.com](mailto:mlambert@forthepeople.com)

*Attorney for Plaintiff*

s/ Zachary Miller  
OF COUNSEL